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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,304	12/09/2003	D. Kirk Grotjohn	RSW920030275US1	3641
23307 7590 02/01/2007 SYNNESTVEDT & LECHNER, LLP 2600 ARAMARK TOWER 1101 MARKET STREET PHILADELPHIA, PA 191072950			EXAMINER WATT, CHRIS A	
			ART UNIT 2174	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/01/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/731,304

Applicant(s)

GROTJOHN ET AL.

Examiner

Chris Watt

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/9/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 17-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically a software application. Computer programs claimed as computer code per se, i.e., the descriptions or expressions of the programs, are not physical "things," nor are they statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer program's functionality to be realized. In contrast, a claimed computer readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program's functionality to be realized, and is thus statutory. See MPEP §2106 Section IV.B.1(a).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Winamp version 2.22 released in 1999 by Nullsoft, Inc. ("Winamp" see Robinson, D. ("Winamp v 2.22 mp3 decoding Quality Test Results"): "Version: 2.22 May 26 1999").

Regarding independent claim 1, Winamp includes a method for managing movement of objects within a workspace of a graphical user interface (GUI) (i.e. Cristofori, C. ("How to make move your forms like WinAMP"): "How to move a window like WinAMP does, with a "magnetic field" near the borders."), comprising the steps of configuring said GUI into a non-overlapping workspace, situating at least two of said objects in said non-overlapping workspace (i.e. Pall, R. ("Taming Wild Windows"): "winamp and some other window programs snap to the borders of the screen. This makes it easy to arrange windows on the screen."), pushing a second of said objects in said non-overlapping workspace when a first of said objects comes in contact with said second of said objects while being moved .

Regarding dependent claim 2, Winamp includes the method of claim 1, wherein said movement of said first object such that it comes in contact with said second object displaces said second object without said first object overlapping said second object (i.e. Pall, R. ("Taming Wild Windows"): "winamp and some other window programs snap to the borders of the screen. This makes it easy to arrange windows on the screen.").

Regarding dependent claim 3, Winamp version 2.22 includes the method of claim 2, wherein said displacement of said second object by said first object causes an edge of said first object to abut an edge of said second object (i.e. Cristofori, C. ("How to

make move your forms like WinAMP"): "How to move a window like WinAMP does, with a "magnetic field" near the borders.").

Regarding dependent claim 4, Winamp includes the method of claim 3, wherein upon said first object coming into contact with said second object, said abutting sides of said first and second objects become coupled to each other, forming an object unit (i.e. Sandvig, A. ("WinCue v 1.40 User Manual"): "Snap to Winamp at x pixels - When enabled, WinCue will snap to Winamp's main window just like any other Winamp child window. The snapping will occur when the WinCue window is within the specified range of the Winamp main window. This will also cause WinCue to stick to Winamp like other Winamp windows do.").

Regarding dependent claim 5, Winamp includes the method of claim 4, wherein movement of said object unit such that it comes into contact with a third object causes said third object to become coupled to said object unit, thereby incorporating said third object into said object unit (i.e. Sandvig, A. ("WinCue v 1.40 User Manual"): "Snap to Winamp at x pixels - When enabled, WinCue will snap to Winamp's main window just like any other Winamp child window. The snapping will occur when the WinCue window is within the specified range of the Winamp main window. This will also cause WinCue to stick to Winamp like other Winamp windows do.").

Regarding dependent claim 6, Winamp includes the method of claim 5, wherein movement of said object unit such that it comes onto contact with any other objects within said non-overlapping workspace causes each such object to become coupled to said object unit, thereby incorporating any such objects into said object unit (i.e.

Sandvig, A. ("WinCue v 1.40 User Manual"): "Snap to Winamp at x pixels - When enabled, WinCue will snap to Winamp's main window just like any other Winamp child window. The snapping will occur when the WinCue window is within the specified range of the Winamp main window. This will also cause WinCue to stick to Winamp like other Winamp windows do.").

Regarding dependent claim 7, Winamp includes the method of claim 6, further comprising the steps of: configuring said object unit for management by providing controllable coupling and decoupling capability with respect to said objects forming and object unit (i.e. Sandvig, A. ("WinCue v 1.40 User Manual"): "Snap to Winamp at x pixels - When enabled, WinCue will snap to Winamp's main window just like any other Winamp child window. The snapping will occur when the WinCue window is within the specified range of the Winamp main window. This will also cause WinCue to stick to Winamp like other Winamp windows do.").

Regarding dependent claim 8, Winamp includes the method of claim 1, wherein said GUI is switchable between said non-overlapping workspace configuration and an overlapping workspace configuration (i.e. Pall, R. ("Taming Wild Windows"): "winamp and some other window programs snap to the borders of the screen. This makes it easy to arrange windows on the screen.").

Regarding independent claim 9, Winamp includes a system for managing movement of objects within a workspace of a graphical user interface (GUI), comprising: means for configuring said GUI into a non-overlapping workspace (i.e. Cristofori, C. ("How to make move your forms like WinAMP"): "How to move a window like WinAMP

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does, with a "magnetic field" near the borders."), means for situating at least two of said objects in said non-overlapping workspace (i.e. Pall, R. ("Taming Wild Windows"): "winamp and some other window programs snap to the borders of the screen. This makes it easy to arrange windows on the screen."), and means for pushing a second of said objects in said non-overlapping workspace when a first of said objects comes in contact with said second of said objects while being moved (i.e. Sandvig, A. ("WinCue v 1.40 User Manual"): "Snap to Winamp at x pixels - When enabled, WinCue will snap to Winamp's main window just like any other Winamp child window. The snapping will occur when the WinCue window is within the specified range of the Winamp main window. This will also cause WinCue to stick to Winamp like other Winamp windows do.").

Claim 10 is similar in scope to claim 2, differing primarily in that claim 10 is directed towards a system and claim 2 is directed toward a method, and is therefore rejected under similar rationale.

Claim 11 is similar in scope to claim 3, differing primarily in that claim 11 is directed towards a system and claim 3 is directed toward a method, and is therefore rejected under similar rationale.

Claim 12 is similar in scope to claim 4, differing primarily in that claim 12 is directed towards a system and claim 4 is directed toward a method, and is therefore rejected under similar rationale.

Claim 13 is similar in scope to claim 5, differing primarily in that claim 13 is directed towards a system and claim 5 is directed toward a method, and is therefore rejected under similar rationale.

Claim 14 is similar in scope to claim 6, differing primarily in that claim 14 is directed towards a system and claim 6 is directed toward a method, and is therefore rejected under similar rationale.

Claim 15 is similar in scope to claim 7, differing primarily in that claim 15 is directed towards a system and claim 7 is directed toward a method, and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 8, differing primarily in that claim 16 is directed towards a system and claim 8 is directed toward a method, and is therefore rejected under similar rationale.

Regarding independent claim 17, Winamp includes computer readable code for managing movement of objects within a workspace of a graphical user interface (GUI), comprising: first subprocesses for configuring said GUI into a non-overlapping workspace (i.e. Cristofori, C. ("How to make move your forms like WinAMP"): "How to move a window like WinAMP does, with a "magnetic field" near the borders."), second subprocesses for situating at least two of said objects in said non-overlapping workspace (i.e. Pall, R. ("Taming Wild Windows"): "winamp and some other window programs snap to the borders of the screen. This makes it easy to arrange windows on the screen."), and third subprocesses for pushing a second of said objects in said non-overlapping workspace when a first of said objects comes in contact with said second of

said objects while being moved (i.e. Sandvig, A. ("WinCue v 1.40 User Manual"): "Snap to Winamp at x pixels - When enabled, WinCue will snap to Winamp's main window just like any other Winamp child window. The snapping will occur when the WinCue window is within the specified range of the Winamp main window. This will also cause WinCue to stick to Winamp like other Winamp windows do.").

Claim 18 is similar in scope to claim 2, differing primarily in that claim 18 is directed towards computer readable code and claim 2 is directed toward a method, and is therefore rejected under similar rationale.

Claim 19 is similar in scope to claim 3, differing primarily in that claim 19 is directed towards computer readable code and claim 3 is directed toward a method, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to claim 4, differing primarily in that claim 20 is directed towards computer readable code and claim 4 is directed toward a method, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 5, differing primarily in that claim 21 is directed towards computer readable code and claim 5 is directed toward a method, and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 6, differing primarily in that claim 22 is directed towards computer readable code and claim 6 is directed toward a method, and is therefore rejected under similar rationale.

Claim 23 is similar in scope to claim 7, differing primarily in that claim 23 is directed towards computer readable code and claim 7 is directed toward a method, and is therefore rejected under similar rationale.

Claim 24 is similar in scope to claim 8, differing primarily in that claim 24 is directed towards computer readable code and claim 8 is directed toward a method, and is therefore rejected under similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Watt whose telephone number is (571) 270-1046. The examiner can normally be reached on Monday-Thursday 6:30-4:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 276-5619. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

\Chris A. Watt\

January 17, 2007

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